



Denial of Organ Transplants for Unvaccinated Prompts Bill

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Patients around the U.S. have had organ transplants denied to them or delayed because of their noncompliant COVID-19 shot status. H.R. 6534, the Stop Arduous Vaccine Enforcement (SAVE) Act of 2022, would amend the Public Health Service Act to prohibit transplant centers from denying organs to patients based solely on whether they have received a COVID-19 shot. The bill would also prohibit discrimination based on the shot status of the donor.

Specifically, the SAVE Act prohibits transplant centers from treating individuals as ineligible, lowering their priority on the transplant list, or otherwise discriminating against them based on whether they are vaccinated, partially or fully.

“Getting vaccinated is a personal choice and should not be mandated. This legislation is not anti-vaccine, it’s about making sure individuals get the treatment they need,” Rep. Ben Cline (R – VA) said in a press release announcing the bill.

Cline wrote on Twitter on February 2 that reports of unvaccinated Americans being removed from the organ transplant list are “disturbing.”

The SAVE Act, introduced January 27, was co-sponsored by Reps. Morgan Griffith (R – VA), Bob Good (R – VA), Rob Wittman (R-VA), Jeff Duncan (R – SC), Rodney Davis (R-IL), and Chip Roy (R – TX).

Missouri legislators in February debated a state-level bill that would prevent doctors from considering COVID-19 shot status as a condition of eligibility for an organ transplant.

Not Following the Science

The policy of refusing transplants to individuals who decline COVID-19 has no medical basis, says Jane Orient, M.D., a policy advisor to The Heartland Institute, which co-publishes *Health Care News* and the executive director of the Association of American Physicians and Surgeons, which endorsed the SAVE Act.

“There is no science. What would be needed is a study of transplant outcomes in vaccinated versus unvaccinated—likely impossible to do,” said Orient. “There are also no studies on desperately sick people, who would have been excluded from [vaccine] clinical trials. Immunosuppressed people, as all recipients will be, probably won’t respond.”

Orient questioned the logic of vaccine requirements. “So maybe they’ll require ‘full vaccination’ sometime before surgery. But the vaccines apparently expire, so what good would a booster be?” she said. “As for donors, the vaccine doesn’t prevent transmission, so what you want is an uninfected donor—you need to test [for virus infection], whether the donor is vaccinated or not.”

There is also the possibility that the COVID-19 shots could be harmful to a patient undergoing organ transplant, says Orient. “Does the vaccine damage the organ? There is reason to think it might, say by microthrombi. There are few and highly inadequate studies of vaccine-damaged patients—especially autopsies on patients who died post-vaccination.”

Cases Raise Questions

Simone Scott, a 19-year-old Northwestern University student, died in June after receiving a heart transplant and one month after receiving her second dose of the Moderna vaccine.

Orient said the issue of requiring vaccines for organ transplants “is a medical/scientific one” rather than a question of the legality of discrimination. “It certainly violates the Oath of Hippocrates to give a patient any treatment more likely to harm than benefit,” she said.

A paper published on February 8 in the *Journal of Cardiac Failure* studied the case of a Boston man who was refused a place on the heart transplant list because of his vaccination status.

Titled “Should Patients Who Refuse COVID Vaccination Be Denied Transplantation Eligibility?” the paper, authored by academics at NYU and George Washington University, argued that vaccine mandates at organ transplant centers are ethical and “not discriminatory.”

The authors pointed out that organ transplant centers already require that candidates receive other vaccines and demonstrate a commitment against unhealthy activities such as “drinking, smoking or using illegal drugs.”

Scarce Organs

There is a rationale for requiring vaccinations for transplant patients, says Jeff Singer, M.D., a surgeon and senior fellow at the Cato Institute.

“Organ transplant recipients will need to be on immunosuppressants, in order to prevent rejection of the transplanted organ,” said Singer. “If they get infected by the COVID-19 virus after the transplant while they are immunosuppressed, they are at significantly greater risk of having a bad outcome – perhaps a fatal outcome – because they are unable to mount a strong immune response to the virus.”

While the vaccine cannot provide complete protection against COVID-19, it makes sense for patients to be fully immunized before a transplant, says Singer.

“There is a lot of evidence that suggests the vaccine is much less effective if taken after the transplant, when the immunosuppressants that transplant recipients must take suppress a good immune response to the vaccine – in fact, many immunologists think that it is people on immunosuppressants who might need a fourth or even more vaccination to get a decent response,” said Singer.

Transplant teams want recipients to be in tip-top shape because organs are scarce, says Singer.

“On the other hand, if people were legally allowed to sell their organs on an open market, the likelihood is organs would be less scarce, and the distribution will be driven by market forces instead of being rationed by a select group of health care practitioners,” said Singer.